

REMARKS/ARGUMENTS

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

Claims 1-7, 9-11, 13, 15-17, 19 and 22-24 are now pending in the present application. Claims 1-7, 9-11, 13, 15-17, 19 and 22 have been amended; Claims 8, 12, 14, 17 (the second of two claims that were numbered 17 in the original filing), 20 and 21 have been cancelled; and Claims 23 and 24 have been added; herewith. Reconsideration of the claims is respectfully requested.

I. Objection to Specification

The Examiner objected to the disclosure, citing a typographical error that needs correcting. Applicants have amended the Specification herewith to correct such error.

II. Objection to Claims

The Examiner objected to the claims, noting there was a duplicate Claim 17. Applicants have cancelled such duplicate Claim 17 herewith.

III. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 1-5 and 7-22 under 35 U.S.C. § 102(e) as being anticipated by Crawford (US Patent #6,781,608 B1). This rejection is respectfully traversed.

Applicants have amended Claim 1 to include features previously recited in Claims 4 and 6. In rejecting Claim 4 (whose features are now a part of amended Claim 1), the Examiner cites Crawford's teaching at col. 13, lines 57-59 as teaching such claimed feature. Applicants urge that the amendment made to Claim 1 clearly differentiates Crawford's graphic file, which is saved on the *sender-side*, from the features of Claim 1 where the local cache is on the *receiver-side*, as it is a part of the receiver-side process performed by the data processing system that receives the instant message. In addition, because the cited Crawford reference does not contemplate different ways for locating an image/picture associated with a message, there would have been no reason or other motivation to modify such teachings in accordance with the user selected preference feature now recited in Claim 1.

In rejecting Claim 6 (whose features are also now a part of amended Claim 1), the Examiner cites Ball's step 744 and image server 732 as teaching the features of Claim 6 (in a 35 USC 103 rejection). Applicants have further amended Claim 1 to emphasize the highly automated nature of the invention recited therein, whereas Ball expressly requires user intervention to interact with the image server.

Further, Claim 1 has been amended to clarify that it is an actual picture image of the sender themselves that is sent with the message, as described at Specification page 10, line 22 – page 11, line 8;

page 12, lines 7-10), which advantageously provides for improving the personability of instant messages (Specification page 2, lines 18-23). In contrast, per the teachings of the cited reference, generic buddy icons are used (Crawford Figures 8 and 9). The generic buddy icons do not help a recipient of a message to recall the sender's identity, as do the features of Claim 1 (Specification page 11, lines 1-8), as they are generic and available for use by anyone using the IM system. In contrast, by providing an actual picture image of the user themselves who is sending the IM message (per the features of Claim 1), the receiver of the message is able to instantly visually identify the sender of the image, which is particularly advantageous since many user's do not use their real name when sending messages – instead using made-up screen names which are many times difficult to cross-reference or otherwise correlate with who the sender really is.

Thus, it is urged that the amendment to Claim 1 has overcome the present 35 U.S.C. § 102 rejection.

Applicants initially traverse the rejection of Claims 2 and 3 for reasons given above with respect to Claim 1 (of which Claims 2 and 3 depend upon).

Further with respect to Claim 3, such claim has been amended to further emphasize advantages provided by the claimed features recited therein. In particular, once an image has initially been sent in an initial message, the image does not need to be resent by the sender each time a subsequent message is sent by the sender (Specification page 12, lines 18-20), thereby reducing required system resources while still maintaining picture presentation. Thus, it is urged that amended Claim 3 is not anticipated by the cited reference.

Further with respect to Claim 4, Applicants have amended such claim in accordance with the description at Specification page 13, lines 21-29. The teachings of the cited reference do not contemplate such dual-usage of pictures for user identity purposes. Therefore, it is further urged that amended Claim 4 is not anticipated by the cited reference.

With respect to Claim 5 (and dependent Claim 7), such claim has been amended in accordance with the Specification description at page 14, lines 13-30. These claimed features advantageously provide for automatically selecting a given picture from a plurality of different pictures associated with a sender of the message, to reflect a particular state of the user, such as their emotion. The cited reference does not contemplate any such capability. Thus, it is urged that amended Claim 5 is not anticipated by the cited reference.

With respect to Claim 9, such claim has been amended in accordance with the Specification description at page 18, lines 16-21. These claimed features advantageously provide for using a centralized server database for maintaining images, such as element 408 of Figure 4, which may be particularly useful if a preexisting database of images, possibly being used for another purpose, is re-used

in this particular environment (Specification page 13, lines 15-29). Thus, it is urged that amended Claim 9 is not anticipated by the cited reference.

Applicants traverse the rejection of Claims 10, 11, 13, 16, 17, 19 and 22 for substantially the same reasons as those given above with respect to Claims 1-3.

Claims 8, 12, 14, 17 (the second of two claims that were numbered 17 in the original filing), 20 and 21 have been cancelled herewith without prejudice or disclaimer.

Therefore, the rejection of Claims 1-5 and 7-22 under 35 U.S.C. § 102 has been overcome.

IV. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claim 6 under 35 U.S.C. § 103 as being unpatentable over Crawford (US Patent 6,781,608 B1) in view of Ball et al. (US Pub #2002/0126135 A1). This rejection is respectfully traversed.

Applicants traverse such rejection for similar reasons to those given above with respect to Claim 5 (of which Claim 6 depends upon), and urge that the cited Ball reference does not overcome the teaching deficiencies identified above with respect to Claim 5.

Therefore, the rejection of Claim 6 under 35 U.S.C. § 103 has been overcome.

V. New Claims

Claims 23 and 24 have been added herewith, and examination of such claims is respectfully requested.

VI. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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